

II. REMARKS

A. Status of the Claims

Claim 1 has been amended without prejudice or admission to incorporate features of claim 38, which was objected to for being dependent on a rejected claim.

Claims 2-11, 14 and 17 have been amended to delete the phrase "or a pharmaceutically acceptable salt thereof."

Claims 19 -38 have been cancelled without prejudice or admission.

It is respectfully submitted that no new matter was added by virtue of the present amendments.

Claims 1-18 are pending.

B. Substance of Interview

In accordance with the provisions of 37 CFR § 1.133, Applicants herein make of record the substance of the telephonic interview conducted on April 15, 2011, between the undersigned attorney and Examiner Deidre Rence Claytor.

During the interview, amendments made in the present response were discussed.

It was agreed that these amendments simplify the issues, and that the filing of a Request for Continued Examination (RCE) is not required for the Examiner to consider the amended claims.

Applicants thank Examiner Deidre Renee Claytor for discussing the present amendments, and respectfully request that this Substance of Interview be made of record.

C. Claim Rejections- 35 U.S.C. § 103

1. U.S. 2003/0229111 to Oshlack et al. in view of U.S. Patent No. 5,866,164 Kuczynski et al.

Claims 1-14, 17-19, 22, 27-37 were rejected under 35 U.S.C. § 103(a) over U.S. 2003/0229111 to Oshlack et al. in view of U.S. Patent No. 5,866,164 to Kuczynski et al..

The rejection is respectfully traversed, for the reasons presented in the response filed on November 24, 2010, herein incorporated by reference.

In an effort to advance prosecution, claim 1, the only independent claim currently pending, has been amended to incorporate features of claim 38, which was not included in the present rejection.

Withdrawal of the rejection is respectfully requested.

2. U.S. 2003/0191147 to Sherman et al. in view of U.S. 2003/0031712 to Kaiko et al. and U.S. Patent No. 5,866,164 to Kuczynski et al.

Claims 1-36 were rejected over the combination of U.S. 2003/0191147 to Sherman et al., U.S. 2003/0031712 to Kaiko et al. and U.S. Patent No. 5,866,164 to Kuczynski et al..

The rejection is respectfully traversed, for the reasons presented in the response filed on November 24, 2010, herein incorporated by reference.

In an effort to advance prosecution, claim 1, the only independent claim currently pending, has been amended to incorporate features of claim 38, which was not included in the present rejection.


Withdrawal of the rejection is respectfully requested.

III. Conclusion

An allowance of the present application is earnestly solicited. According to currently recommended Patent Office policy, the Examiner is specifically authorized to contact the undersigned by telephone if the Examiner believes that a telephonic interview may advance the prosecution of the application.

Respectfully submitted,
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